

# EXHIBIT 22



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## WSOU v. Google - Extension of Deadlines in 580 & 585 cases

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**Mark Siegmund** <mark@swclaw.com>

Fri, Feb 11, 2022 at 1:40 PM

To: "Lanier, Greg" <tglanier@jonesday.com>, WSOU-Google <WSOU-Google@jonesday.com>

Cc: Warren Lex Project Caribou <caribou@matters.warrenlex.com>, "CA-BrazosTrials@carterarnett.com" <CA-BrazosTrials@carterarnett.com>, Greg Love <Greg@swclaw.com>, Joseph Abraham <Joseph.abraham@foliolaw.com>, Timothy Dewberry <timothy.dewberry@foliolaw.com>, Mike Jones <mikejones@potterminton.com>

Dear Greg,

In light of the 30(b)(6) depositions in the 580 and 585 cases occurring as recently as yesterday, we request a meet-and-confer this afternoon or tomorrow to discuss a motion to compel testimony on various topics that was unavailable from Google's corporate representatives despite them being designated for those topics. Given the urgency, we are working on a write-up of the issues that will hopefully facilitate the conference. Please let us know your availability this afternoon or tomorrow to meet.

In addition to the discovery issues currently before the court, Brazos will be seeking an extension of the fact and expert discovery deadlines. The extension is required for a few reasons, chief of which is Google's conduct throughout discovery. Google's litigation tactics have severely prejudiced Brazos's ability to effectively prosecute this case. As you are probably aware, we have repeatedly raised issues with Warren Lex's obstructionist conduct during depositions. Please see any of the transcripts of Messrs. Prins, Maccoun, or Meier, for example. Not only is such conduct quite frankly ridiculous, it has hindered our ability to obtain the necessary information for our cases. We will need to retake these depositions, or reach some other compromise with Google. More importantly, however, the witnesses Google has presented thus far have not been adequately prepared to testify on their designated topics. Just as one non-limiting example, Jim Maccoun repeatedly admitted in his deposition that he made no efforts to understand the circumstances in which Google agreed to lump sum royalties in the licenses identified by Google, despite being designated on such a topic.

Second, as you know, the Court has yet to rule on the multiple discovery disputes to be heard next Thursday. Without the benefit of having this information (for example, financial information in the 585 and 580 cases) the currently scheduled depositions are pointless. In light of this, depositions scheduled next week are not practicable or an efficient use of either parties' time. Equally important, the currently scheduled depositions cannot proceed until this issue is resolved by the Court, which necessitates an extension of the two deadlines. As a result, Brazos is postponing the currently noticed depositions pending resolution of Brazos's forthcoming motion and the outstanding discovery disputes (this does not include the Monday deposition noticed by Google).

Please let us know if Google is opposed to a motion to extend these two deadlines in the 580 and 585 cases. We will be filing an opposed motion to extend deadlines today. If we do not hear from you by 6:00pm central, we will mark you as opposed and file our motion.

Sincerely,

Mark



**MARK SIEGMUND**  
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